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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/686,895
Filing Date: October 16, 2003
Appellant(s): ONISHI, HIROFUMI

Yasuo Muramatsu

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/19/08 appealing from the Office action mailed 3/22/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

i). The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

ii). Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyaki (US 2002/0130906).

Regarding claim 1, Miyaki (abstract, figs. 8-12A&B) discloses a display method for a navigation system, comprising the steps of:

receiving map data from a map data storage (14, fig. 1) and retrieving information on points of interest (POI 15, fig. 1) specified by a user;

examining whether the point of interest specified by the user in the retrieved information is located within a large structure (polygon, figs. 12A&B; figs. 11, sections 0054-0058);

retrieving an icon representing a type of the large structure (polygon, 12A&B; figs. 11, sections 0054-0058) in which the point of interest is located; and

displaying for displaying a list of names of points of interest specified by the user (see display 27, fig. 1; see lists in figs. 6 a, b, c);

wherein, when the specified a point of interest is located within the large structure, the list (figs. 6, 8, 12) includes the icon representing the type of large structure next to the name of the specified point of interest.

Fig. 12 (sections 0054-0058) shows a polygon i.e. a four sided symbol or icon that represents large structure such as parks, factories, hospitals, sports faculties, etc. These polygons or icons of large structures are also shown in figs 8, 9, 10 on the road network structure displayed on a screen of a navigation system. Sections 0044-0046 indicate that when these icons of large structures are close in proximity to each other such that they may overlap, the icons of large structures are collected under one representative icon such as shown in figs. 8, 10, and 13. Fig. 13 shows icons of large structures overlapping. To prevent the clutter, the icons are collected under one representative icon such as shown in figs. 8 and 10 (sec. 0044-0051). Fig. 12 shows an enlarge version of one such icons of a large structure at the corner of the intersection shown fig. 8 (also see sec. 0047-0051) for example. Fig. 8 shows a list of icons of large structures on the display screen. NAMES OF specified points of interests such as banks, restaurants, Teller machines (ATM), etc are shown displayed in figs. 6, 8, 9B. As an example, fig. 6 shows an Icon (AAA, or BBB) of a large structure displayed next to the name of a specified point of interest (e.g. Restaurant). Fig. 8 shows a List of Names of Points of Interest (e.g. Restaurant, Bank, ATM, etc). The list also includes an icon (Polygon with letter M, Polygon with letter R, etc) representing a large structure. Each icon (Polygon with letter M, Polygon with letter R, etc) representing a large structure is next to the name of a specified Point of Interest (e.g. Restaurant, Bank, ATM, etc). Fig. 9 B also shows a similar view.

In a similar manner, applicant's fig. 9A shows a list of large structures (95, 91, 93). The list also includes the names of specified points of interest (Burger king, Carl's Jr, Pizza hut, etc). Each icon (95, 91, 93) representing a large structure is next to the name of a specified point of interest (Burger king, Carl's Jr, Pizza hut, etc).

Therefore, it is believed that the prior art anticipates the invention.

Regarding claim 2, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display method for a navigation system as defined in claim 1, wherein said step of examining whether the point of interest is located within a large structure includes a step of checking point coordinate data in the map data representing a location of the point of interest and polygon data (polygon, 12A&B; figs. 11, sections 0055-0058) in the map data representing an area of a land or a structure to see whether or not the location of the point of interest is included within the area of the land or structure.

Note! The dictionary meaning of “adjacent” does not mean connected to or directly beside. Reference is made to applicant’s figs. 12A&B of the prior art.

Regarding claim 3, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display method for a navigation system as defined in claim 1, wherein said step of examining whether the point of interest is located within a large structure includes a step of comparing point coordinate data in the map data representing a location of the point of interest and polygon data in the map data representing an area of a land or a structure, and a step of determining whether or not the location of the point of interest is within a boundary of the large structure defined by the polygon data.

Regarding claim 4, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display method for a navigation system as defined in claim 1, further comprising the step of: displaying detailed information on the large structure when the user specifies the icon representing the type of large structure.

Regarding claim 5, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display method for a navigation system as defined in claim 4, wherein said detailed information on the large structure displayed on the navigation system includes a name and an address of the large structure.

Regarding claim 6, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display method for a navigation system as defined in claim 4, wherein said step of displaying the detailed information on the large structure includes a step of producing a pop-up screen showing the detailed information on the monitor screen.

Regarding claim 7, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses a display apparatus for a navigation system, comprising:

- means for selecting a method for searching point of interest information;

- a map data storage 14 which stores map data including point of interest information and large structure information;

- a point of interest display control unit (26, 27) which examines the map data from the map data storage and determines whether a point of interest specified by a user is located within a large structure (see points of interest, figs. 6 a, b, c; see figs. 12 a, b for icon within large structure or polygon);

- a memory 15 which stores icons where each icon represents a type of large structure expressed by the large structure information in the map data; and a monitor which displays information associated with the navigation system including a list of points of interest,

- wherein said point of interest display control unit controls said monitor to display a list of names of points of interest specified by the user (see display 27, fig. 1; see lists figs. 6, 8), and

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when the point of interest specified by the user is located within the large structure, the list includes the icon representing the type of large structure next to the name of the specified point of interest (figs. 8, 12A&B; figs. 11, sections 0055-0058).

Regarding claim 8, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 7, wherein said point of interest display control unit checks point coordinate data in the map data representing a location of the point of interest and polygon data in the map data representing an area of a land or a structure to see whether or not the location of the point of interest is included within the area of the land or structure.

Regarding claim 9, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 7, wherein said point of interest display control unit compares point coordinate data in the map data representing a location of the point of interest and polygon data in the map data representing an area of a land or a structure, and determines whether or not the location of the point of interest is within a boundary of the large structure defined by the polygon data.

Regarding claim 10, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 7, wherein said point of interest display control unit causes said monitor to display detailed information on the large structure when the user specifies the icon representing the type of large structure.

Regarding claim 11, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 10, wherein said

detailed information on the large structure displayed on the navigation system includes a name and an address of the large structure.

Regarding claim 12, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 10, wherein said point of interest display control unit causes said monitor to display a pop-up screen showing the detailed information on said large structure.

Regarding claim 13, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system, comprising:

- means for receiving map data from a map data storage and retrieving information on points of interest specified by a user;

- means for examining whether or not the point of interest specified by the user in the retrieved information is located within a large structure (figs. 6, 8, 12);

- means for retrieving an icon representing a type of the large structure in which the point of interest is located; and

- means for displaying a list of names of points of interest specified by the user (27, fig. 1);
wherein, when the point of interest is located within the large structure, the list (figs. 6, 8, 12) includes the icon representing the type of large structure adjacent to the name of the specified point of interest.

Regarding claim 14, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 13, wherein said means for examining whether the point of interest is located within a large structure includes means for checking point coordinate data in the map data representing a location of the point of

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interest and polygon data in the map data representing an area of a land or a structure to see whether or not the location of the point of interest is included within the area of the land or structure.

Regarding claim 15, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 13, wherein said means for examining whether the point of interest is located within a large structure includes a step of comparing point coordinate data in the map data representing a location of the point of interest and polygon data in the map data representing an area of a land or a structure, and means for determining whether or not the location of the point of interest is within a boundary of the large structure defined by the polygon data.

Regarding claim 16, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 13, further comprising means for displaying detailed information on the large structure when the user specifies the icon representing the type of large structure.

Regarding claim 17, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 16, wherein said detailed information on the large structure displayed on the navigation system includes a name and an address of the large structure.

Regarding claim 18, Miyaki (abstract, figs. 8-12A&B; figs. 11, sections 0055-0058) discloses the display apparatus for a navigation system as defined in claim 16, wherein said means for displaying the detailed information on the large structure includes means for producing a pop-up screen showing the detailed information on the monitor screen.

(10) Response to Argument

Applicant's arguments filed 2/19/08 have been fully considered but they are not all persuasive. The 112 second paragraph rejections in the final action dated 3/22/07 have been withdrawn.

The applicant argues that the prior art does not disclose the claimed invention. The examiner disagrees. The prior art, Miyaki anticipates the limitations:

displaying for displaying a list of names of points of interest specified by the user (see display 27, fig. 1; see lists in figs. 6 a, b, c);

wherein, when the specified a point of interest is located within the large structure, the list (figs. 6, 8, 12) includes the icon representing the type of large structure next to the name of the specified point of interest.

Fig. 12 (sections 0054-0058) shows a polygon i.e. a four sided symbol or icon that represents large structure such as parks, factories, hospitals, sports faculties, etc. These polygons or icons of large structures are also shown in figs 8, 9, 10 on the road network structure displayed on a screen of a navigation system. Sections 0044-0046 indicate that when these icons of large structures are close in proximity to each other such that they may overlap, the icons of large structures are collected under one representative icon such as shown in figs. 8, 10, and 13. Fig. 13 shows icons of large structures overlapping. To prevent the clutter, the icons are collected under one representative icon such as shown in figs. 8 and 10 (sec. 0044-0051). Fig. 12 shows an enlarge version of one such icons of a large structure at the corner of the intersection shown fig. 8 (also see sec. 0047-0051) for example. Fig.8 shows a list of icons of

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large structures on the display screen. NAMES OF specified points of interests such as banks, restaurants, Teller machines (ATM), etc are shown displayed in figs. 6, 8, 9B. As an example, fig. 6 shows an Icon (AAA, or BBB) of a large structure displayed next to the name of a specified point of interest (e.g. Restaurant). Fig. 8 shows a List of Names of Points of Interest (e.g. Restaurant, Bank, ATM, etc). The list also includes an icon (Polygon with letter M, Polygon with letter R, etc) representing a large structure. Each icon (Polygon with letter M, Polygon with letter R, etc) representing a large structure is next to the name of a specified Point of Interest (e.g. Restaurant, Bank, ATM, etc). Fig. 9 B also shows a similar view.

In a similar manner, applicant's fig. 9A shows a list of large structures (95, 91, 93). The list also includes the names of specified points of interest (Burger king, Carl's Jr, Pizza hut, etc). Each icon (95, 91, 93) representing a large structure is next to the name of a specified point of interest (Burger king, Carl's Jr, Pizza hut, etc).

Applicant's argue that "Icons of points of interest **are not** displayed on the navigation system, **but only** the icon of the large structure is displayed **only when** a point of interest is located within the large structure". The argument is irrelevant because it is drawn to limitations not claimed. Miyaki (figs. 6, 8, 12) show a list of names of points of interests, wherein the point of interest is located within a large structure and the name of the point of interest is adjacent the icon of a large structure.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663

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